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Commonwealth v. Johnson

Criminal law – Motion to quash – Firearm possession – Constitutional challenge – Hearsay – Learned treatise exception – Second amendment analysis

1. The United States Supreme Court has held that the Second and Fourteenth Amendments of the United States Constitution protect an individual's right to carry a handgun for self-defense and any regulation thereof must be consistent with the Nation's historical tradition at the time of or around the period of the ratification of those two Amendments, 1791 and 1868, respectively.
2. Pennsylvania does not have a learned treatise exception from the hearsay rule. Pennsylvania has not adopted F.R.E. 803(18) and does not recognize an exception from the hearsay rule for learned treatises.
3. The court cannot generally take judicial notice of learned treatises pursuant to Pa.R.E. 201. Were a court to take judicial notice, it would be required to allow the parties an opportunity to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. This is so even if the court takes judicial notice before notifying a party.
4. Unless all of the parties agree to permit citation to historical analogues in various books and articles, the parties in Pennsylvania arguing the application of the Second Amendment would be forced to hire experts who could rely on learned treatises and disclose them as part of the basis for their opinion.
5. It is well settled that a state may provide through its Constitution a basis for the rights and liberties of its citizens independent from that provided by the Federal Constitution, and that the rights so guaranteed may be more expansive than their federal counterparts.
6. The Second Amendment of the United States Constitution provides that a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.
7. Article I, Section 21 of the Pennsylvania Constitution states that the right of the citizens to bear arms in defense of themselves and the State shall not be questioned.
8. Article I, Section 21 of the Pennsylvania Constitution does not offer heightened protection to one's right to bear arms than does the Second Amendment of the United States Constitution.
9. The Second Amendment is unique in that it has a prefatory clause and an operative clause. The prefatory clause announces the purpose of the right – namely to prevent the elimination of citizens' militia.
10. It cannot be presumed that any clause in the United States Constitution is intended to be without effect.
11. The Second Amendment protects an individual's rights to bear arms, which is defined as to wear, bear, or carry upon the person or in the clothing or in a pocket, for the purpose of being armed and ready for defensive action in case of a conflict with another person.
12. The right to carry a handgun for self-defense applies to when an individual is outside

of the home.

13. Any regulation of firearms must be rooted in the Second Amendment's text, as informed by history. More specifically, to justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this nation's historical tradition of firearm regulation.
14. Only if a firearm regulation is consistent with this nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command.
15. There are now two steps to analyzing a Second Amendment challenge: the first step of this test provides that the Constitution presumptively protects an individual's conduct when the Second Amendment's plain text covers that conduct. At the second step, the government must demonstrate that the regulation is consistent with this nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command.
16. The Second Amendment does not afford a right to bear arms by one who has been convicted of several violent felonies.
17. The Second Amendment right to bear arms applies to law-abiding, non-violent people.
18. The right to bear arms was tied to the concept of a virtuous citizenry and accordingly, the government could disarm unvirtuous citizens.
19. Burglary convictions have historically been held to constitute a credible threat to the physical safety of others.
20. The statutory prohibition on firearm possession for a convicted felon burglar is presumptively valid.
21. The burden of showing that the Second Amendment does not protect, historically, the rights or type of rights subject to the regulation at issue lies with the Commonwealth.
22. The infringement or loss of a constitutional right after commission of a serious felony crime is no different from other constitutional and civil liberties forfeited by those convicted.
23. Absent a U.S. Supreme Court decision, federal intermediate appellate and district courts decisions are not binding on Pennsylvania courts.
24. Defendant filed a motion to quash the Information and a Supplemental Memorandum challenging the constitutionality of the charges against him. The Court Held the motion was denied.

P.McK.

C.C.P. Chester County, Criminal Action, No. CP-15-CR-0002746-2022; Commonwealth of Pennsylvania v. Karon Johnson

Gerald P. Morano for the Commonwealth

Brian L. McCarthy for defendant

Binder, J., November 26, 2024:-

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COMMONWEALTH OF PENNSYLVANIA

vs.

KARON JOHNSON

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

CP-15-CR-0002746-2022

ORDER

AND NOW, this 26th day of November, 2024, after a review of all written submissions concerning Defendant's Motion to Quash the Information in light of case law including New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 (2022) and its progeny, the parties having agreed to waive hearsay objections to the use of learned treatises, and having argued the credibility and/or weight of such learned treatises, it is hereby **ORDERED** that the Motion is **DENIED** for the reasons set forth in the attached Memorandum.

BY THE COURT:

/s/ **BRET M. BINDER, J.**

MEMORANDUMBackground

At issue is Defendant's Motion to Quash the Information filed November 12, 2023 and Defendant's Supplemental Memorandum in Furtherance of his Motion to Quash the Information filed August 22, 2024 challenging the constitutionality of the charges against him for violation of: (1) 18 Pa.C.S. § 6105 – Persons not to possess, use, manufacture, control, sell or transfer firearms as applied to him; and (2) 18 Pa.C.S. § 6106 – Firearms not to be carried without a license. Specifically, Defendant is being charged with: (1) possessing a firearm despite a felony conviction in 2014 for burglary; and (2) possessing an unlicensed concealed firearm either on one's person or in a vehicle. The United States Supreme Court's decision in New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 (2022) and its progeny, formed the basis for this challenge.

Bruen held that the Second and Fourteenth Amendments of the United States Constitution protect an individual's right to carry a handgun for self-defense and any regulation thereof must be consistent with the Nation's historical tradition at the time of or around the period of the ratification of those two Amendments (1791 and 1868 respectively). The Bruen decision has caused an increase in challenges to various gun regulations and tasked litigants and the courts with historical research and attempts to draw lines determining analogous regulations, customs, or laws regarding weapons. Accordingly, this court must do an analysis to determine if a historical regulation is a proper analogue for the regulations at hand.

In Pennsylvania this task is made significantly more difficult due to material differences between Pennsylvania's Rules of Evidence and the Federal Rules of Evidence. Specifically, Pennsylvania does not have a learned treatise exception from the hearsay rule. Pa.R.E. 803(18) ("Pennsylvania has not adopted F.R.E. 803(18). Pennsylvania does not recognize an exception from the hearsay rule for learned treatises."). Compare F.R.E. 803(18) (excepting statements in a learned treatise from the hearsay rule if the treatise is established as reliable by judicial notice or expert testimony).¹ The court cannot generally take judicial notice of learned treatises pursuant to Pa.R.E. 201. Were a court to take judicial notice, it would be required to allow the parties an opportunity to be heard "on the propriety of taking judicial notice and the nature of the fact to be noticed." Pa.R.E. 201(e). This is so even "[i]f the court takes judicial notice before notifying a party." Id.

Fortunately, the parties agreed to utilize the federal rules of evidence in order to permit both parties to cite historical analogues in various books and articles. The parties further agreed that this court could determine the weight to be given to any

¹ Given the task imposed on the trial courts by the U.S. Supreme Court in Bruen, the analysis of historical analogues and briefs/arguments of the parties are more akin to an appellate brief and argument than much of what is normally before this court. In this vein, perhaps as a matter of necessity trial courts in Pennsylvania will need to cite learned treatises in this limited area. Despite the waiver of the parties to notice of any materials of which this court takes judicial notice, this court strives to cite predominantly to case law and statutes as opposed to learned treatises.

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learned treatise cited by the parties and rely on its own research without giving the parties notice beforehand. Without such agreement the parties in Pennsylvania arguing the application of the Second Amendment would be forced to hire experts who could rely on learned treatises and disclose them as part of the basis for their opinion. See Pa.R.E. 703 (allowing an expert to base opinions on facts or data of which the expert is aware and others in the field would reasonably rely on); Pa.R.E. 705 (mandating disclosure of underlying facts or data on which an expert’s opinion is based, significant difference from F.R.E. 705).

Accordingly, this court on March 4, 2024 issued an Order that required the parties to address, *inter alia*:

(1) historical gun regulations related to classes of people prohibited from possessing weapons, *e.g.*, Pennsylvania’s 1879 prohibition on “tramps” possessing weapons with an intent to unlawfully do injury or intimidate another person” and the requirements of 1777 that one take a loyalty oath before being permitted to keep arms; (2) historical regulations on categories of weapons prohibited from being owned by private citizens between 1791 and 1868, *e.g.*, blunderbusses, cannons, sword-canes, bowie knives, slungshots/slingshots, *etc.*; (3) historical capability of weapons with comparison to the weapons being regulated currently; (4) differences between Article I, Section 21 of the Pennsylvania Constitution and the Second Amendment of the U.S. Constitution; and (5) incidents of repossessing weapons from private citizens.

March 4, 2024 Order.

The parties complied with lengthy research and briefing, which both parties supplemented multiple times as the Second Amendment landscape continued to shift with various courts addressing gun regulations in a post-Bruen world.²

Constitutions of the United States and Pennsylvania

Defendant’s Motion alleges an infringement of a constitutional right pursuant to both the United States and Pennsylvania Constitution. “It is well settled that a state may provide through its constitution a basis for the rights and liberties of its citizens independent from that provided by the Federal Constitution, and that the rights so guaranteed may be more expansive than their federal counterparts.” Commonwealth v. Tate, 432 A.2d 1382, 1387-88 (Pa. 1981) (citations omitted). Accordingly, this court must analyze whether 18 Pa.C.S. § 6105 disqualifying an individual from possessing a firearm due to a prior burglary conviction violates either the Federal or Pennsylvania Constitution.

² The court appreciates that both parties submitted thoughtful, timely, and well written briefs on a complex and evolving area of law.

It is helpful to start with the plain text of the laws. “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. Amdt. II. “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.” Pa. Const. Art. I, § 21.³ Although the language differs, the Superior Court has stated clearly that the analysis is singular:

We now turn to Appellant's claim that Section 6105 and 6106 violate Article 1, Section 21 of the Pennsylvania Constitution. Appellant herein urges this Court to engage in analysis pursuant to *Commonwealth v. Edmunds*, 586 A.2d 887, 895 (Pa. 1991) and determine that the “Pennsylvania Constitution provides greater protection than the Second Amendment.” Appellant's Brief at 49. We decline to do so for three reasons. First, firearms regulations, like Sections 6105 and 6106, retain constitutional validity under *Bruen* and Appellant offers no evidence or authority to undermine that conclusion. Second, a previous panel of this Court expressly found that Section 6106 did not violate Article I, Section 21. *See Commonwealth v. McKown*, 79 A.3d 678, 691 (Pa. Super. 2013). Third, a review of case law promulgated throughout the Commonwealth reveals that, when confronted with a claim that a statute is violative of both the Second Amendment of the United States Constitution and Article I, Section 21 of Pennsylvania's Constitution, Pennsylvania courts engage in a singular analysis, suggesting that both provisions offer the same protection. *See id.* at 691 (analyzing the appellant's challenge to 18 Pa.C.S.A. § 6106 under Article I, Section 21 pursuant to the same framework as that of the Second Amendment); *see also Caba v. Weaknecht*, 64 A.3d 39, 53 (Pa. Commw. 2013); *Perry v. State Civ. Serv. Comm'n (Dep't of Lab. & Indus.)*, 38 A.3d 942, 954-955 (Pa. Commw. 2011). We therefore decline to hold that Article I, Section 21 of the Pennsylvania Constitution offers heightened protection to one's right to bear arms.

Commonwealth v. Nieves-Crespo, 321 A.3d 965, *13 (Pa.Super. 2024) (Unpublished). Moreover, as conceded by the Commonwealth, the relatively scant case law on Article I, Section 21 of the Pennsylvania Constitution provides no indication that greater protections are afforded by the Pennsylvania Constitution. Brief of Commonwealth,

³ Interestingly, Pennsylvania adopted this language in 1790 and was the first state of the union to codify a right to bear arms. As a result, the U.S. Supreme Court paid particular attention to the legislative history of the colonies in expanding the Second Amendment's language to include Pennsylvania's right to bear arms for individual defensive purposes. *District of Columbia v. Heller*, 554 U.S. 570, 601 (2008) (“Four States adopted analogues to the Federal Second Amendment in the period between independence and the ratification of the Bill of Rights. Two of them—Pennsylvania and Vermont—clearly adopted individual rights unconnected to militia service. Pennsylvania's Declaration of Rights of 1776 said: “That the people have a right to bear arms for the defence of themselves and the state” § XIII, in 5 Thorpe 3082, 3083 (emphasis added).”).

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4/23/2024, p. 51 (reviewing 13 cases and failing to find Pennsylvania affords greater rights to bear arms than those found in the U.S. Constitution).⁴ Accordingly, this court will address primarily the Second Amendment of the U.S. Constitution.

Plain Language and Background of Second Amendment Rights

Helpfully, the Pennsylvania Supreme Court recently issued its “first foray into Second Amendment territory” and “found it prudent to start by placing the matter in the relevant historical and legal context.” Barris v. Stroud Township, 310 A.3d 175, 177 (Pa. 2024) (upholding a zoning ordinance limiting shooting ranges as non-violative of the Second Amendment). Noting that the Second Amendment is unique in that it has a prefatory clause and an operative clause, the Pennsylvania Supreme Court opined that the first part “A well regulated militia being necessary to the security of a free state” announces the purpose of the right – namely to prevent the elimination of citizens’ militia. Id. at 177 (citing Heller, 554 U.S. at 577). In discussing Heller and the history of firearms in the United States, the Barris Court quoted the U.S. Supreme Court in noting that Americans invoked their rights to keep arms as Englishmen when King George III tried to disarm inhabitants much as the Stuart Kings did in the late 1600s. Barris, 310 A.3d at 178 (citing Heller, 554 U.S. at 592-94).

The Heller Court however disregarded the prefatory clause as limiting the scope of the operative clause and focused almost exclusively on the operative clause of fourteen words – “. . . the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. Amend. II.⁵ However, the Heller court held that the Second Amendment right is “not unlimited, just as the First Amendment’s right of free speech” is not. Heller, 554 U.S. at 630. The Heller Court ultimately determined that a District of Columbia regulation was unconstitutional because it banned handgun possession

⁴ As discussed further infra, the U.S. Supreme Court has expanded the plain language of the Second Amendment beyond state militias and to individual self-defense. Accordingly, the greater protection that the Pennsylvania Constitution may have been argued to afford in providing for the right “to bear arms in defense of **themselves** and the State” is now effectively included in the Second Amendment of the U.S. Constitution via Heller despite not being readily apparent in the text itself. Further, as discussed infra, the initial question to the Section 6105 challenge is whether or not Defendant is part of the “citizens” or “people” referenced in each to which the right to bear arms is extended. This court views the terms synonymously but does not address the Commonwealth’s argument that the use of “citizens” in the Pennsylvania Constitution affords gun rights to a more restrictive subset of “people” found in the Second Amendment. See Commonwealth Brief filed 4/23/2024, p. 60 (“[t]he term connotes a more limited definition tha[n] the “people.”). Given this court’s ultimate finding that Defendant is not part of the “people” for Second Amendment purposes, it follows that even if “citizens” were deemed to be a smaller subset of the “people,” the result would be the same.

⁵ This court shares the puzzlement of many historians, legal scholars, and grammarians over the expansion of individual gun rights under the Federal Constitution when the plain language and historical backdrop concern an anti-federalist movement allowing for state *militias*. Under a plain reading of the Second Amendment using the normal rules of grammar, the prefatory clause provides the meaning and purpose of the Amendment and does not allow for the more expansive interpretation of the operative clause that will be the focus of the analysis of post-Heller precedent. Additionally, it is long-standing precedent that “[i]t cannot be presumed that any clause in the constitution is intended to be without effect.” Marbury v. Madison, 5 U.S. 137, 174 (1803). However, this court is constrained to address the right to bear arms pursuant to the precedent of higher courts, especially that of the United States Supreme Court.

in the home and required any lawful firearm in the home be disassembled or bound by a trigger lock. The Heller court for the first time protected an individual's right to keep and bear arms. Specifically, the Heller Court noted that the Second Amendment protects an individual's rights to bear arms, which it defined as to "wear, bear, or carry upon the person or in the clothing or in a pocket, for the purpose of being armed and ready for defensive action in case of a conflict with another person." Id. at 584-85

Importantly for the case *sub judice*, despite the seemingly large expansion of gun rights for individuals, the Heller court did note that prior limitations on those rights were not being questioned or overruled by the Court. "Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." Id. at 626-27. Accord, McDonald v. City of Chicago, Ill., 561 U.S. 742 (2010) (applying Heller to the states through the Fourteenth Amendment and affirming the Heller comment that longstanding regulatory measures such as, *inter alia*, prohibition on possession of firearms by felons or the mentally ill are not in doubt).

The Heller expansion of Second Amendment rights was further expanded by the U.S. Supreme Court in New York State Rifle & Pistol Ass'n Inc. v. Bruen, 597 U.S. 1 (2022). In Bruen, the Court addressed a New York State licensing scheme for carrying handguns in public and requiring an applicant to show proper cause for a concealed-carry license. The Court in Bruen held that the right to carry a handgun for self-defense applied to when an individual is outside of the home. Id., 597 U.S. at 9.

The Court then created a test that any regulation of firearms must be "rooted in the Second Amendment's text, as informed by history." Id. at 19. More specifically, "To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command." Id., 597 U.S. at 17 (citations omitted).

As summarized by our Pennsylvania Supreme Court, there are now two steps to analyzing a Second Amendment challenge pursuant to Heller and Bruen:

The first step of this test provides that "the Constitution presumptively protects" an individual's conduct "when the Second Amendment's plain text covers [that] conduct[.]" Bruen 597 U.S. at 17. At the second step, the government must "demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." Id. "Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command." Id. (internal quotation marks and citation omitted).

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Barris, 310 A.3d at 188 (citations modified). The Bruen Court made clear that its decision was limited to the petitioners in that case who were “ordinary, law-abiding adult citizens” who are indisputably “part of ‘the people’ whom the Second Amendment protects.” Bruen, 597 U.S. at 31-32 (citing Heller, 554 U.S. at 580). It is with this background in mind that we turn to the facts of this case and post-Bruen case law.

First Step – Is the Defendant “Part of the People?” for Purposes of the Second Amendment

The first question before this court is whether or not Defendant in this matter qualifies as “part of the people” and is thus subject to the rights afforded by the Second Amendment. Specifically, Defendant is a convicted felon. This question was recently addressed in Pennsylvania. In Commonwealth v. McIntyre, 314 A.3d 828 (Pa.Super. 2024), the Superior Court took up this issue after an appeal and affirmed a trial court decision arising out of this county issued by the Honorable Jeffrey R. Sommer. In McIntyre, the Superior Court addressed the federal constitutionality of 18 Pa.C.S. § 6105’s prohibiting felons from possessing firearms. It found that the defendant had waived his claims that Section 6105 violates the Pennsylvania Constitution or was unconstitutional as applied to him.⁶ In affirming Judge Sommer, the Superior Court held that the defendant “ha[d] not met his burden of clearly, palpably and plainly showing that Section 6105 is unconstitutional under Bruen [and that h]is constitutional claim, therefore, offer[ed] him no basis for relief.” McIntyre, 314 A.3d at 843. Accord Commonwealth v. Nieves-Crespo, 321 A.3d 965 (Pa.Super. 2024) (holding that defendant who was previously convicted of a felony possession with intent to deliver was charged with, inter alia, a violation of 18 Pa.C.S. §6105, no violation of his constitutional rights occurred).

The Superior Court in McIntyre discussed multiple areas where the Bruen Court referenced the law-abiding status of the petitioners. Id., 314 A.3d at 841 (citing Bruen, 597 U.S. at 9, 15, 60, 70, 71). Accordingly, the Superior Court reasoned that Bruen does not hold that the Second Amendment affords a right to bear arms by one who has been convicted of several violent felonies. McIntyre, 314 A.3d at 842 (“[T]he repetitive highlighting of the rights of “law-abiding” citizens does not buttress McIntyre’s assertion that Bruen commands a conclusion that the Second Amendment protects the possession of firearms by those who, like McIntyre, have been convicted of several violent felonies.”). Moreover, such limitation to law-abiding citizens is consistent with Heller, supra. McIntyre, 314 A.3d at 842 (“Despite its holding, the

⁶ McIntyre, 314 A.3d 828, 838:

Accordingly, the trial court understandably only addressed the Bruen issue in its Rule 1925(a) opinion. It did not address the contentions that Section 6105 violated our state constitution or was unconstitutional as applied to McIntyre, as those claims were clearly not raised in the 1925(b) statement. Therefore, those claims are waived. *See Commonwealth v. Lord*, 553 Pa. 415, 719 A.2d 306, 309 (1998) (providing that any claims that are not raised in a Rule 1925(b) statement are waived).

Heller Court was very clear that an individual's Second Amendment rights are not unlimited and are subject to regulation. It explicitly cautioned that “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons ..., [which are] presumptively lawful regulatory measures.” 554 U.S. at 626, 627 n.26.” (citation modified).

Here, consistent with McIntyre and Nieves-Crespo (cited supra and discussed further infra), this court can state that Pennsylvania law dictates that Defendant does not meet the first step of the challenge – namely that he is one of the law-abiding, non-violent people for whom Bruen and Heller recognized a Second Amendment right to carry firearms. This concept is well-summarized by the 7th Circuit when it opined that “most scholars of the Second Amendment agree that the right to bear arms was tied to the concept of a virtuous citizenry and that, accordingly, the government could disarm ‘unvirtuous citizens.’” United States v. Yancey, 621 F.3d 681, 684-85 (7th Cir. 2010). This concept will be discussed further infra concerning the historical regulations of firearms nationally as well as in Pennsylvania.

This conclusion is consistent with case law limiting the rights of convicted felons. See Lehman v. Pennsylvania State Police, 839 A.2d 265, 272 (Pa. 2003) (upholding the Federal Gun Control Act’s prohibition of a felon purchasing a firearm) (“Disqualifying felons from purchasing or possessing firearms is no more punitive than disenfranchisement or occupational disbarment, sanctions which the United States Supreme Court has deemed non-punitive. See Lewis v. United States, 445 U.S. 55, 66 (1980) (citing Richardson v. Ramirez, 418 U.S. 24 (1974) (approving disenfranchisement of felons); De Veau v. Braisted, 363 U.S. 144 (1960) (forbidding felons from working as union officials is not punishment); Hawker v. New York, 170 U.S. 189 (1898) (prohibiting felons from practicing medicine is not punishment))”) (citations modified).

More recently the United States Supreme Court again addressed and upheld a restriction on dangerous individuals possessing a firearm. In United States v. Rahimi, 144 S.Ct. 1889 (U.S. 2024), the Supreme Court upheld 18 U.S.C. § 922(g)(8)’s prohibition on firearm possessing for individuals subjected to a domestic violence restraining order. The defendant in Rahimi was subject to a civil restraining order and there was a finding that he represented a credible threat to the physical safety of others.

When a restraining order contains a finding that an individual poses a credible threat to the physical safety of an intimate partner, that individual may—consistent with the Second Amendment—be banned from possessing firearms while the order is in effect. Since the founding, our Nation's firearm laws have included provisions preventing individuals who threaten physical harm to others from misusing firearms. As applied to the facts of this case, Section 922(g)(8) fits comfortably within this tradition.

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Rahimi, 144 S.Ct. at 1896-97.⁷

Similarly, here, Defendant has a prior burglary conviction, which has historically been held to constitute a credible threat to the physical safety of others. In fact, at one time, burglary was held to be such a dangerous and serious offense that it was a capital offense. See Commonwealth v. Hope, 39 Mass 1, 4 (Mass. 1839). Currently, the federal government includes burglary in its definition of a violent felony. 18 U.S.C. § 924(e)(2)(B)(ii) (“the term ‘violent felony’ means any crime punishable by imprisonment for a term exceeding one year . . . that . . . is burglary[.]”). Accordingly, consistent with recent U.S. Supreme Court guidance, the statutory prohibition on firearm possession for a convicted felon burglar is presumptively valid. Rahimi, 144 S.Ct. at 1902 (“[A]s we have explained, our Nation’s tradition of firearm regulation distinguishes citizens who have been found to pose a credible threat to the physical safety of others from those who have not.”).⁸

Therefore, as Defendant’s status as a convicted felon renders him not part of the law-abiding citizenry to whom Heller, Bruen, Rahimi, or McIntyre extend Second Amendment rights, Defendant’s Motion to Quash is Denied. However, given the constantly shifting landscape in post-Bruen precedent, this court will turn to the second step as well.

Second Step – Did the Government demonstrate that the regulation is consistent with this nation’s historical tradition of firearm regulation?

This prong is the most difficult and least defined in the post-Bruen era. First, it is important to identify the restriction in place in 18 Pa.C.S. 6105. The restriction does not govern conduct; rather, it governs a subset of people to whom the restriction would apply – namely, individuals convicted of certain offenses. Accordingly, we turn to the historical regulations on firearm or weapons possession for classes of individuals. Such

⁷ During the long pendency of this Motion in which both Defendant and the Commonwealth repeatedly supplemented their briefs based upon evolving case law, Defendant at one time pointed to Range v. Attorney General United States of America, 69 F.4th 96 (3rd Cir. 2023) (applying Bruen to find that the federal prohibition on a felony-equivalent conviction in Pennsylvania pursuant to 18 U.S.C. § 922(g)(1) is invalidated albeit in a matter involving a 28 year old misdemeanor conviction regarding false statements to obtain food stamps). However, the U.S. Supreme Court granted certiorari, vacated the judgment, and remanded for further consideration in light of Rahimi, supra. Garland v. Range, 144 S.Ct. 2706 (2024). As such, Range, a federal intermediate appellate court decision not binding on this court, does not appear to be good case law and Rahimi provides the applicable precedent for this court. Similarly, Defendant’s cite to United States v. Quailles, 688 F.Supp.3d. 184 (M.D.Pa. 2023) (applying Range to find the federal felon-in-possession law unconstitutional) is both non-binding on this court and called into doubt by Rahimi for federal law while being in direct conflict with binding Pennsylvania precedent in McIntyre.

⁸ The Commonwealth further argues that In re Gun Range, LLC, 311 A.3d 1242 (Pa. Cmwlth. 2024) (providing that the commercial sale of arms is not covered conduct pursuant to the Second Amendment) suggests that carrying a weapon while selling illegal drugs is not a covered course of conduct under the Second Amendment. See also US v. Napolitan, 762 F.3d 297, 311 (3rd Cir. 2014) (“while the Second Amendment secures “the right of law-abiding, responsible citizens to use arms in defense of hearth and home,” Heller, 554 U.S. 570, 635, it does not entitle a drug trafficker to carry a firearm in furtherance of his criminal exploits”) (citation modified). This court does not reach the course of conduct argument given its decision that a convicted felon does not qualify as part of the “people” to whom Second Amendment rights apply.

historical regulations need not be an exact twin but rather a representative historical analogue. “So even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.” Bruen, 597 U.S. at 30. This burden of showing that the Second Amendment does not protect, historically, the rights or type of rights subject to the regulation at issue lies with the Commonwealth. Id. at 58, 60.

In looking at the appropriate time frame, the U.S. Supreme Court has directed that the periods around 1791 and 1868 are the most significant time periods because they show the scope of constitutional rights around when the second Amendment was ratified and then applied to the states through the 14th Amendment. Bruen, 597 U.S. at 34. Further complicating matters is the existing historical record, longevity, geographic record, and pervasiveness of any given regulation. Id. at 46, 49, 65, and 67-68 (discussing the lack of weight accorded to three colonial regulations, a solitary statute, a pair of state-court decision, and localized restrictions). It is difficult for this court to parse in some instances whether limited case law on regulations is because of a lack of enforcement or a lack of parties challenging the validity of the regulation due to it being commonly accepted as constitutional (e.g., turning in your firearms at the town limits in the wild west).⁹ Nonetheless, this court will attempt to glean from historical regulations what guidance it can.

Perhaps the polestar Pennsylvania regulation in this court’s review of history is Pennsylvania’s 1779 prohibition on a category of people deemed dangerous to the Commonwealth:

And whereas it is very improper and dangerous that persons disaffected to the liberty and independence of this state shall possess or have in their own keeping, or elsewhere, any firearms, or other weapons used in war, or any gun powder. . . . That from and after the passing of this act, the lieutenant or any sub lieutenant of the militia of any county or place within this state, shall be, and is hereby empowered to disarm any person or persons who shall not have taken any oath or affirmation of allegiance to this or any other state and against whom information on oath shall be given before any justice of the peace, that such person is suspected to be disaffected to the independence of this state, and shall take from every such person any cannon, mortar, or other piece of ordinance, or any blunderbuss, wall piece, musket, fusee, carbine or pistols, or other fire arms, or any hand gun; and any sword, cutlass, bayonet, pike or other warlike weapon, out of any building, house or place belonging to such a person.

⁹ See www.smithsonianmag.com/history/gun-control-old-west-180968013/ (providing an analysis of laws in the old west including, famously, Tombstone in the 1880s as well as the routine upholding on such firearm regulations in the west and south resulting in less deaths in towns with gun restrictions). For a more local version, see also Act of Aug. 26, 1721 (Pennsylvania) (providing for a fine for any person who fires a gun within the city of Philadelphia during New Years night). An Abridgment of the Laws of Pennsylvania, 1700-1811 at 173 (Philadelphia, 1811).

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1779 Pa. Laws 193 §§ 4-5. This law is analogous to other Commonwealth laws at the time.¹⁰ See e.g., Act of Mar. 14, 1776, Ch. VII, 1775-1776 Mass. Acts 31-32, 35; Act of May 5, 1777, Ch. 3 (Va.). The Continental Congress additionally prohibited firearm possession by individuals who refused to declare an oath of loyalty. See 4 Journals of the Continental Congress, 1774-1789, at 205. This comported with a long history of firearm prohibition for those disloyal to the government or deemed dangerous.¹¹

Similarly, here, 18 Pa.C.S. § 6105 can be said to regulate individuals deemed to be dangerous to the government and community due to their conviction for a serious offense showing lack of respect for the safety of others and the law of the land. Accordingly, the above-referenced laws are a clear historical analogue for prohibitions against firearm possession for classes of individuals reasonably deemed dangerous to society.

The Court in Bruen similarly cited with seeming approval to various prohibitions against the unlawful possession or use of firearms such as terrorizing the public. Bruen, 597 U.S. at 40-47, 49-52 (discussing, inter alia, Massachusetts, New Hampshire, Virginia, and Tennessee prohibiting individuals from bearing arms to terrorize people). That historical prohibition was expressly recognized by the U.S. Supreme Court – “We made it clear in Heller that our holding did not cast doubt on such longstanding regulatory measures as ‘prohibitions on the possession of firearms by felons and the mentally ill[.]’” McDonald v. City of Chicago, Ill., 561 U.S. 742, 786 (2010) (quoting Heller, 554 U.S. at 626-27). Bruen reaffirmed this general stance. Bruen, 597 U.S. at 70.

Moreover, the infringement or loss of a constitutional right after commission of a serious felony crime is no different from other constitutional and civil liberties forfeited by those convicted. For example, in Pennsylvania, those convicted of certain crimes lose the right to vote, which is automatically restored after the completion of a prison term. 25 P.S. §2602(w). The right to hold public office for a felon is restricted in the Pennsylvania Constitution under Article II, Section 7 (“No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.”). 42 Pa.C.S. § 4502 prohibits those convicted of a crime punishable by more than one year from serving on a jury – one of the most

¹⁰ Interestingly, Virginia and Massachusetts are both Commonwealths and not States, likely coincidence but telling in that although the terms are used interchangeably now, Commonwealth was used traditionally by English philosophers about a community or government existing for the common good of its members rather than the subjecting of a region to a colonial power. See e.g., <https://www.yourdictionary.com/articles/commonwealth-vs-state>. As such, Commonwealths were then deemed to be more anti-monarchical. For purposes of this case, that suggests that the right to bear arms in self-defense against infringement of the monarchy would have been more protected by the laws of the time; yet, as seen here, the three Commonwealths at issue had no issue regulating classes of people deemed too dangerous to possess a weapon of any sort from cutlass/sword to cannon.

¹¹ This court hesitates to go into the full list of analogous laws for individuals then-deemed dangerous; however, the Commonwealth has given a lengthy and persuasive list of citations in its Answer to Defendant’s Pre-Trial Motion to Dismiss filed 4/23/2024, p. 30, p. 33.

fundamental rights and obligations of a citizen.¹²

Based on the above, there is a clear historical analogue to 18 Pa.C.S. § 6105's prohibition against individuals convicted of serious crimes possessing a firearm. Looking at the specific crime in question, other courts have found that a burglary conviction is sufficient grounds for prohibiting felons from possessing a firearm and does not run afoul of the Constitution. See e.g. United States v. Coombes, 629 F.Supp.3d 1149 (N.D. Okla. 2022) (upholding prohibition on a convicted felon burglar from possessing firearms).

Further considerations including the evolution of firearms and other weapons

This court is cognizant of the concerns regarding the danger of firearms and other weapons able to be purchased by the public at large currently. Even in striking down certain gun regulations, the U.S. Supreme Court acknowledged this difficulty. “Unprecedented societal concerns or dramatic technological changes may require a more nuanced approach . . . The regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868.” Bruen, 597 U.S. 27.¹³ Accordingly, it is helpful in considering the analogous nature of the regulation at issue to acknowledge and discuss the evolution of firearms generally.

First, there can be no doubt that the weapons of both the era of the Founding Fathers as well as during the Reconstruction period were deadly. In fact, deadly enough to result in the various regulations cited above. Moreover, some weapons relatively common then were regulated. See State v. Wilson, 543 P.3d 440, 456 (Haw. 2024) (noting that in 1833 the King of Hawaii put forth a law prohibiting anybody on shore from possessing a weapon including knives or sword canes). Kansas informed large towns to ban handgun carry outright. See City of Salina v. Blaksley, 83 P. 619 (Kan. 1905) (upholding the ability of the legislature to prohibit the carrying of deadly weapons or firearms as being outside of the protections of the Second Amendment, which applies only to well-regulated militia). Georgia prohibited people carrying

¹² In fact, the infringement of having our disputes decided by members of our community was specifically described as a grievance against the King in the Declaration of Independence (“For depriving us in many cases, of the benefits of Trial by Jury”).

¹³ As the Pennsylvania Supreme Court aptly stated:

Our Nation is gripped by a level of deadly gun violence our founders never could have conceived, and, respectfully, some of the Court's actions in recent years have done little to quell the legitimate fears of “the people.” Doubtless, the federal Constitution is king, and the heavy burden of interpreting that all-important document falls solely to the head of the federal judiciary. Still, to many, the *Bruen* Court's word that the Second Amendment is meant “to be adapted to the various crises of human affairs” largely rings hollow since the Court has frozen its meaning in time in the ways that matter most. *Bruen*, 597 U.S. at 28. Worse yet, the Court seemingly moves the goalposts with each new case it takes, most recently by *sua sponte* discarding a test that was uniformly embraced by courts across the country and replacing it with a harsh “history-and-tradition” test no one asked for. We cannot help but wonder (and fear, really): What's next?

Barris, supra, 310 A.3d at 215 (citation modified).

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Bowie or other knives or pistols, dirks, sword canes, spears, or the like. 1837 Ga. Sess. Laws 90-91. New York prohibited possession of slung-shots. 1849 N.Y. Sess. Laws 403-04, ch. 278. Tennessee similarly banned Bowie knives and Arkansas toothpicks. 1838 Tenn. Sess. Laws 200-01. Massachusetts banned the sale of slung-shots and knuckles. 1850 Mass. Acts & Resolves 401, ch. 194. All of these laws were based on the dangerousness of these weapons in public and were passed in a time where military weapons were becoming increasingly lethal.

During the time of the Revolutionary War and the passing of the Second Amendment, the military relied on civilians bringing weapons from home, including hunting guns, militia arms, bayonets, and the like. The regulated weapons discussed in the paragraph above were not items to be brought by citizens called into military service and were regulated in the interest of public safety. When examining historical regulations, we must be mindful that civilians are no longer called into military service and expected to bring their personal weaponry from home. Rather, the military provides significantly more powerful weapons. See <https://constitutioncenter.org/the-constitution/amendments/amendment-ii/interpretations/99> (“The Founders even had laws *requiring* people to have guns appropriate for militia service.”).

Presently, it is without doubt that modern weapons, including those regulated here, are significantly more powerful and accurate than those prevalent in 1791 or 1868. As cited by the Commonwealth, the maximum velocity of a fired projectile between 1791 and 1868 was 1,022 miles per hour. Commonwealth Brief filed 4/23/2024, p. 95 (citing Layne Simpson, Bullet Velocity Evolution: The Need for Speed, RifleShooter Magazine (May 3, 2021)). Presently, firearms expel projectiles at speeds of over 4,000 miles per hours. Id. That is more than 16 times the bullet force given the basic formula of $\frac{1}{2}$ mass times velocity **squared** over the distance. See <https://calculator.academy/bullet-force-calculator/>. Moreover, the firearms regulated even in the colonial era through reconstruction were much less deadly in accuracy and rate of fire. Flintlock rifles could be reloaded and fired approximately three times per minute. <https://www.history.com/topics/inventions/firearms>. Long rifles took approximately a minute to load and fire one shot. Id. Modern-day firearms such as an AR-15 can fire up to 900 rounds per minute when properly equipped. Id.

Given the weapons historically regulated to protect the public welfare and their relative lack of deadliness, regulations such as the one at issue here of modern-day weapons are analogous to those historical laws limiting the possession, carrying, or concealing of far-less dangerous weapons. Additionally, similar to the regulations of weapons that were not customarily brought by citizens to serve in the military, the weapon at issue here is not one generally brought by citizens for military service. Therefore the regulations of weapons of the deadly nature at issue here are analogous with the historical regulations of deadly privately-held weapons in Pennsylvania and the nation at large.

Additional challenge to 18 Pa.C.S. § 6106

During the course of this Motion, Defendant filed a supplemental brief challenging

the constitutionality of the 18 Pa.C.S. § 6106 charge against him for carrying a concealed weapon in a vehicle without a permit. Specifically, Defendant cited the Middle District of Pennsylvania, which found 18 Pa.C.S. § 6106 unconstitutional in Suarez v. Paris, ___ F.Supp.3d ___, 2024 WL 321517 (M.D.Pa. 2024). However, as conceded by the Defendant, lower federal court rulings are not binding on this court. See Commonwealth v. Griffin, 595 A.2d 101, 106-7 (holding that absent a U.S. Supreme Court decision, federal intermediate appellate and district courts are not binding on Pennsylvania courts). Moreover, this court finds the reasoning in Suarez unavailing and countermanded by Nieves-Crespo, supra.¹⁴ Specifically, Nieves-Crespo held that because Pennsylvania is a shall-issue state for gun licensing, Bruen is inapplicable. “Importantly, Bruen explicitly stated that “shall-issue licensing regimes are constitutionally permissible” and, as such, those “43 States that employ objective shall-issue licensing regimes for carrying handguns for self-defense may continue to do so.” *Id.* at 80 (Kavanaugh, J., concurring, joined by Roberts, C.J.)” Nieves-Crespo 321 A.3d 965, *12; accord Commonwealth v. Guiterrez-Santana, 315 A.3d 50 (Pa. Super. 2024) (holding that Bruen is not applicable to a § 6106 challenge). Moreover, for purposes of §6105, even the Suarez court recognized that the general prohibition on concealed carry without a license is lawful. “If a state may ban the practice of concealed carry entirely without offending the Constitution, it necessarily follows that the Commonwealth’s less restrictive licensing rule withstands Bruen’s test. Cf. Rahimi, 144 S. Ct. at 1902.” Suarez at *13.

As such, the challenge to the constitutionality of the Section 6106 charge also fails and Defendant’s Supplemental Motion to Quash the Information is Denied.

¹⁴ The probability of Suarez being overturned was recognized by the Honorable Christopher C. Conner when he granted a request from the Commissioner in that case to stay the Order of the Suarez court enjoining the Commissioner from enforcing Section 6106 due to the reasonable probability of the ruling being overturned on appeal and the “strong showing that [the Commissioner is] likely to succeed on the merits of that case.” Suarez et al. v. Paris, 1:21-CV_710, Doc. #81.

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CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on Tuesday, January 14, 2025, for 808 MT Inc. in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: to conduct restaurant business in Chester County.

WESLEY ENG, Esq.
Jeffrey Eng, CPA P.C.
139 Centre Street, Suite 713
New York, NY 10013

CORPORATION NOTICE

Birdie 543, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

McCreesh, McCreesh, McCreesh & Cannon
7053 Terminal Square
Upper Darby, PA 19082

CORPORATION NOTICE

NOTICE is hereby given that Articles of Incorporation have been approved and filed in the Department of State of the Commonwealth of Pennsylvania on January 13, 2025, pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1306 et. seq.

The name of the corporation is: **CHS BREWING INC.**

The purpose or purposes of the corporation are to generally engage in and to do any lawful acts con-

cerning any and all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988.

NEIL E. LAND, Esq.
Brutscher Foley Milliner Land & Kelly
213 East State Street
Kennett Square, PA 19348

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on Thursday, January 23, 2025, for Little Bend Holdings Inc. in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: forming a for profit corporation.

CORPORATION NOTICE

Peter J. Gorn, PC has been incorporated under the provisions of Chapter 29 of the Pennsylvania Business Corporation law of 1988 as a Professional Corporation, as amended.

Peter J. Gorn, Esquire
110 Ginkgo Lane
Chester Springs, PA 19425

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

ANDERSON, Caroline A., late of West Chester Borough. Delos M. Anderson, Jr., 179 Rainbow Road, Coatesville, PA 19320 and Phillip G. Anderson, 331 King Road, West Chester, PA 19380, care of JANICE E. FALINI, Esquire, 392 N. Church Street, West Chester, PA 19380, Executors. JANICE E. FALINI, Esquire, Falini Law Office, LLC, 392 N. Church Street, West Chester, PA 19380, atty.

BENKOVICH, Mary M., late of West Brandywine Township. Robert Benkovich, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton,

PA 19341-2450, atty.

BERENDS, Henry E., a/k/a Henry Everett Berends, late of East Caln Township. Kevin J. Berends, care of STEPHEN D. POTTS, Esquire, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne, PA 19087-3115, Executor. STEPHEN D. POTTS, Esquire, Herr, Potts & Potts, LLC, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne, PA 19087-3115, atty.

BUSH, Genevieve H., late of West Bradford Township, West Chester. Michael F. Bush, 708 Shadland Ave. Drexel Hill Pa 19026, Executor.

BYRNE, Margaret E., late of Tredyffrin Township. Timothy G. Byrne, 525 Tory Hill Rd., Devon, PA 19333, care of CAROL R. LIVINGOOD, Esquire, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087-0191, Executor. CAROL R. LIVINGOOD, Esquire, Timoney Knox LLP, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087-0191, atty.

CENTRELLA, Patricia, a/k/a Patricia E. Centrella, late of Phoenixville Borough. Stephen J. Centrella, 517 Dartmouth Drive, King of Prussia, PA 19406, care of SALVATORE F. BELLO, III, Esquire, 144 E. DeKalb Pike, Suite 300, King of Prussia, PA 19406, Executor. SALVATORE F. BELLO, III, Esquire, Bello, Reilley, McGrory & Dipippo P.C., 144 E. DeKalb Pike, Suite 300, King of Prussia, PA 19406, atty.

DEGNAN, Dana E., a/k/a Dana Degnan, late of West Whiteland Township. Mark E. Degnan, care of NATHAN EGNER, Esquire, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, Executor. NATHAN EGNER, Esquire, Davidson & Egner, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, atty.

DeHAVEN, JR., William Thomas, a/k/a William T. DeHaven, Jr., late of Easttown Township. William DeHaven, III, care of KAREN M. STOCKMAL, Esquire, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, Executor. KAREN M. STOCKMAL, Esquire, KMS Law Offices, LLC, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, atty.

DEVENEY, Tonya, late of Downingtown. Preva Doyle, 604 Highland Avenue, Downingtown, PA 19335, Personal Representative.

EMERY, Gertrude F., late of East Pikeland Township. Craig P. Emery, care of ELIZABETH R. HOWARD, Esquire, 301 Gay St., P.O. Box 507, Phoenixville, PA 19460, Executor. ELIZABETH R. HOWARD, Esquire, 301 Gay St., P.O. Box 507, Phoenixville, PA 19460, atty.

GAY, Frank, a/k/a Frank P. Gay, late of Kennett

Township. Susan C. McIsaac and Thomas E. Gay, care of LISA COMBER HALL, Esquire, 27 S Darlington Street, West Chester, PA 19382, Executors. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S Darlington Street, West Chester, PA 19382, atty.

GRANT, Andrew L., late of West Goshen Township. Judith Grant, 410 Apple Rd., Newark, DE 19711, care of KRISTEN R. MATTHEWS, Esquire, 14 E. Welsh Pool Rd., Exton, PA 19341, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 14 E. Welsh Pool Rd., Exton, PA 19341, atty.

HAMILTON, Mark, a/k/a Mark J. Hamilton, late of East Goshen Township. April L. Charleston, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executrix. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

KELLY, Patricia Ellen, a/k/a Patricia E. Kelly, late of Downingtown. Maureen Greim, 2004 Bonds-ville Road, Downingtown, PA 19335, Executor.

KNEISLEY, Kevin R., late of Tredyffrin Township. Modi Magid-Slav, care of ASHLEY A. GLICK, Esquire, 131 W. Main Street, New Holland, PA 17557, Executor. ASHLEY A. GLICK, Esquire, Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

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LAMBERT, Harvey R., late of Tredyffrin Township. Geraldine O. Lambert, care of SALLY A. FARRELL, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. SALLY A. FARRELL, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

McCREARY, Kenneth Benjamin, late of North Coventry Township. Deborah Thompson, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

McELROY, Alexander M., a/k/a Alexander M. McElroy Sr. and Alexander McElroy, late of Willistown Township. John C. Bramley, 68 Farrier Lane, Newtown Square, PA 19073, and Susan C. Bramley, 68 Farrier Lane, Newtown Square, PA 19073, care of SOPHIA M. CHEREISKY, Esquire, 590 Bethlehem Pike, Suite D, Colmar, PA 18915, Executors. SOPHIA M. CHEREISKY, Esquire, Pritchard Law Offices, 590 Bethlehem Pike, Suite D, Colmar, PA 18915, atty.

McELROY, Robert Dale, late of Malvern. Loretta McElroy, 36 Rabbit Run Rd, Malvern, PA 19355, care of DOUGLAS P HUMES, Esquire, 975 Mill Rd Box E, Bryn Mawr, PA 19010, Executrix. DOUGLAS P HUMES, Esquire, 975 Mill Rd Box E, Bryn Mawr, PA 19010, atty.

MEYER, Rosemary C., a/k/a Rosemary M. Meyer, Rosemary Meyer, and Rosemary Claire Meyer, late of Uwchlan Township. Christine M. Marlo-Triemstra, 3208 39th Avenue S, Minneapolis, MN 55406-2212, care of CAROLYN M. MARCHESANI, Esquire, 800 East High Street, Pottstown, PA 19464, Executor. CAROLYN M. MARCHESANI, Esquire, Wolf, Baldwin, and Associates, P.C., 800 East High Street, Pottstown, PA 19464, atty.

MORAN, Lawrence E., a/k/a Lawrence Edward Moran, late of Elverson. Hugh B. Moran, care of ANDREW J. BELLWOAR, Esquire, 126 W. Miner Street, West Chester, PA 19382, Executor. ANDREW J. BELLWOAR, Esquire, Bellwoar Kelly LLP, 126 W. Miner Street, West Chester, PA 19382, atty.

PANNIER, Wendy S., late of Penn Twp.. Mark Roger Gormel, care of EDWARD M FOLEY, Esquire, 213 E State St Kennett Square PA 19348, Executor. EDWARD M FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly LLP, 213 E State St Kennett Square PA 19348, atty.

POTTS, Constance M., a/k/a Constance Mary Potts, late of West Pikeland Township. Jason R. Potts, 1 West Southview Avenue, Williamsport, PA 17701, care of FRANK W. HAYES, Esquire, 31 South High Street, West Chester, PA 19382, Executor. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

REGESTER, David J., late of London Grove Township. Doris J. Oranzi, care of NICHOLAS T. GARD, Esquire, 121 East Main Street, New Holland, PA 17557, Executrix. NICHOLAS T. GARD, Esquire, Smoker Gard Associates LLP, 121 East Main Street, New Holland, PA 17557, atty.

ROACHE, Alda A., late of Easttown Township. Jonathan J. Roache, care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executor. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

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VANDERGRIFT, John A., a/k/a John Andrew Vandergrift, late of East Marlborough Township. Leslie M. Johnson, care of JENNIFER ABRACHT, Esquire, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, Executor. JENNIFER ABRACHT, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

WALSH, Craig Patrick, late of East Nottingham Township. Lauren Diane Walsh, 141 Hillside Circle, Lincoln University, PA 19352, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

ZDUN, Jane A., a/k/a Jane Skorupa Zdun, late of New Garden Township. Caren Donnelly And Christine Tyson, care of CATHERINE L. APPEL, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executrices. CATHERINE L. APPEL, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

2nd Publication

ALLENSTEIN, Sally M., late of Penn Township. Pamela A. Allenstein, care of JENNIFER ABRACHT, Esquire, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, Executor. JENNIFER

ABRACHT, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

ALLGAIER, Mark A., a/k/a Mark Allgaier, late of West Chester Borough. Matthew Richard Allgaier, care of LEIGH A. SEGAL, Esquire, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, Executor. LEIGH A. SEGAL, Esquire, Wisler Pearlstine, LLP, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, atty.

BECKER, Marshall J., a/k/a Marshall Joseph Becker, late of West Chester Borough. Denise Baccino Tyler, 38400 Maple Ln., Selbyville, DE 19975, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

BRANDFASS, William Steele, late of West Pikeland Township. Kristen J. Brandfass, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, Executrix. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, atty.

BOLZ, Charles R, late of West Chester. Marilyn Bolz, care of JENNIFER WALKER, Esquire, 31 S. High St. Suite 200, West Chester, PA 19382, Executrix. JENNIFER WALKER, Esquire, Peak Legal Group Ltd., 31 S. High St. Suite 200, West Chester, PA 19382, atty.

COATES, Nancy, a/k/a Nancy L. Coates, late of City of Coatesville. Bert L. Mize, 100 Lilly Road, Honey Brook, PA 19344 and Robert A. Coates, 22253 Brinsfield Ave., Seaford, DE 18973, care of GORDON W. GOOD, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Executors. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

CONWAY, Gerald F, a/k/a Gerald Conway, late of Valley Township. Richard H. Morton, care of RICHARD H. MORTON, Esquire, 999 West Chester Pike, Suite 201, West Chester, Pennsylvania 19382, Administrator. RICHARD H. MORTON, Esquire, Ryan Morton and Imms LLC, 999 West Chester Pike, Suite 201, West Chester, Pennsylvania 19382, atty.

CORKHILL, III, Eric A., a/k/a Eric Alfred Corkhill, III and Eric A. Corkhill, late of East Goshen Township. Helen H. Corkhill, 1721 Hibbard Ln., West Chester, PA 19380, care of KAREN SCHECTER

DAYNO, Esquire, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, Executrix. KAREN SCHECTER DAYNO, Esquire, Timoney Knox, LLP, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, atty.

CRAIG, Alice M., late of East Bradford Township. Maureen Craig Snook, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Executrix. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

FROST, Linda S., late of East Goshen Township. Heather Teng, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

GEIGUS, Marie R., late of East Vincent Township. Theodore J. Geigus and Leeann Geigus DeFusco, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GOLDBERG, Robert, late of Phoenixville Borough. Mindy Kramer, 27 Rossiter Ave., Phoenixville, PA 19460, care of TIMOTHY G. DALY, Esquire, 1288 Valley Forge Rd., Ste. 72, Phoenixville, PA 19460, Executrix. TIMOTHY G. DALY, Esquire, Daly & Clemente, P.C., 1288 Valley Forge Rd., Ste. 72, Phoenixville, PA 19460, atty.

GOULD, Jean K., late of Honey Brook Township. Catharine Gould Smith, 10 Avenue of Two Rivers, Rumson, NJ 07760, care of KRISTEN R. MATTHEWS, Esquire, 14 E. Welsh Pool Rd., Exton, PA 19341, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 14 E. Welsh Pool Rd., Exton, PA 19341, atty.

HICKMAN, Margaret E., late of Upper Oxford Township. Lauren Ann Patrick, care of KAREN M. STOCKMAL, Esquire, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, Executrix. KAREN M. STOCKMAL, Esquire, KMS Law Offices, LLC, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, atty.

JAMESIN, Doris, late of Vista, CA. Sortirios Tsementzis, care of JENNIFER WALKER, Esquire, 31 S. High St, Ste. 200, West Chester PA 19382, Executor. JENNIFER WALKER, Esquire, Peak Legal Group Ltd., 31 S. High St, Ste. 200, West Chester PA 19382, atty.

KLAPP, Steven M., a/k/a Steven Michael Klapp, late of West Whiteland Township. Katelyn S. Klapp,

care of KARA A. KLAIBER, Esquire, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, Executrix. KARA A. KLAIBER, Esquire, McCausland Keen + Buckman, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, atty.

KRAEGEL, Madeline R., a/k/a Madeline P. Kraegel, late of East Goshen Township. Nancy W. Pine, 104 S. Church St., West Chester, PA 19382, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Administratrix CTA. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

POOLE, Shirley A., a/k/a Shirley Ann Poole, late of Unionville Borough. Kathleen Allaband, P.O. Box 318, Unionville, PA 19375 and Donald Poole, Jr., 124 Myrtle Ave., West Grove, PA 19390, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Executors. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

RAMNATH, Rohit, late of Paoli. Catherine Hueston, care of JENNIFER WALKER, Esquire, 31 S. High St Ste 200 West Chester, PA 19382, Executrix. JENNIFER WALKER, Esquire, Peak Legal Group Ltd., 31 S. High St Ste 200 West Chester, PA 19382, atty.

SANTILLO, Frank S., a/k/a Frank Simome Santillo, late of East Vincent Township. Kathleen Santillo, 800 E. High St., Pottstown, PA 19464, care of SUPRIYA G. PHILIPS, Esquire, 800 E. High St., P.O. Box 444, Pottstown, PA 19464, Executrix. SUPRIYA G. PHILIPS, Esquire, Wolf, Baldwin & Associates, P.C., 800 E. High St., P.O. Box 444, Pottstown, PA 19464, atty.

SARMENTO, Robert J., late of Coatesville City. Barbara Ann Sarmento, care of KRISTEN L. BEHRENS, Esquire, 1650 Market St., Ste. 1200, Philadelphia, PA 19103, Administratrix. KRISTEN L. BEHRENS, Esquire, Dilworth Paxson LLP, 1650 Market St., Ste. 1200, Philadelphia, PA 19103, atty.

STRATMAN, Audrey K., a/k/a Audrey Kathleen Stratman, late of Borough of West Chester. John Charles Stratman, III, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, Pennsylvania 19382-2928, Executor. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, Pennsylvania 19382-2928, atty.

THOMAS, Marie H., late of Tredyffrin Township. Edward Thomas, 3503 Husted Driveway, Chevy Chase, MD 20815, care of NICHOLAS J. CANI-

GLIA, Esquire, 125 Strafford Ave., Ste. 110, Wayne, PA 19087, Executor. NICHOLAS J. CANIGLIA, Esquire, Pierce, Caniglia & Taylor, 125 Strafford Ave., Ste. 110, Wayne, PA 19087, atty.

WHITE, Nancy S, a/k/a Nancy J White, late of West Brandywine. Mary Ellen Richter, 18 Maple Street, Medfield MA 02052, and Maureen McCormick, 8 Edward Drive, East Fallowfield, PA 19320, Executrix.

WHITEMAN, John W., late of West Nantmeal Township. John Whiteman, Jr., care of DAVID G. GARNER, Esquire, 2129 East High Street, Pottstown, PA 19464, Executor. DAVID G. GARNER, Esquire, 2129 East High Street, Pottstown, PA 19464, atty.

WHITEMAN, Richard J., a/k/a Richard James Whiteman, late of West Caln Township. Richard J. Whiteman, Jr., care of H. MICHAEL COHEN, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. H. MICHAEL COHEN, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

WILHELM, James Patrick, a/k/a James P. Wilhelm, late of Downingtown Township. John Przychozdzien, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Executor. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

3rd Publication

BARR, Marjorie C., late of East Bradford Township. John F. Barr, 229 Hunting Hill Ln., West Chester, PA 19382 and Douglas R. Barr, 1163 W. Strasburg Rd., West Chester, PA 19382, care of KEVIN HOLLERAN, Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executors. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, PC, 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

CLEMSON, Paula M, late of West Goshen Township. Alan F. Clemson, care of LISA COMBER HALL, Esquire, 27 S Darlington Street, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S Darlington Street, West Chester, PA 19382, atty.

CONNETT, Barbara Creamer, a/k/a Barbara C. Connett and Barbara Connett, late of East Pikeland Township. Thomas Connett, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executor. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster

Ave., Paoli, PA 19301, atty.

FLECK, Mary K, late of East Fallowfield. Robert R Fleck Jr., 4 Michael Court, Coatesville, PA 19320, and Donna L. Fleck, 2165 Strasburg Road, East Fallowfield Township, PA 19320, Executors.

GALLAGHER, Shannon J., a/k/a Shannon John Gallagher and Shannon Gallagher, late of Phoenixville Borough. Angelina Marie Capozzi, and Constance Capozzi, 3128 Morris Rd., Lansdale, PA 19446, care of JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Suite 10, Montgomeryville, PA 18936, Executrices. JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Suite 10, Montgomeryville, PA 18936, atty.

GILBERT, Joyce A., late of Londonderry Township. Russell P. Gilbert, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GREVY, Helen M., late of West Caln Township. Kerry Ann Metzger, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

LEPORE, Donald J., a/k/a Donald Lepore and Donald Joseph Lepore, late of New Garden Township. Justine M. Green, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executrix. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

MASON, Robert Oscar, a/k/a Robert O. Mason, late of Phoenixville Borough. Stephen I. Baer, 347 Bridge Street, Suite 200, Phoenixville, PA 19460, care of STEPHEN I. BAER, Esquire, 347 Bridge Street, Suite 200, Phoenixville, PA 19460, Executor. STEPHEN I. BAER, Esquire, O'Donnell, Weiss & Mattei, P.C., 347 Bridge Street, Suite 200, Phoenixville, PA 19460, atty.

MASSEY, Robert A., late of London Grove Township. Karyn L. Seace, CELA, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Administratrix. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

OAS, Ann L, late of West Chester. Charles Oas

Jr., 213 E State St., Kennett Square PA 19348, care of EDWARD M FOLEY, Esquire, 213 E State St, Kennett Square PA 19348, Administrator. EDWARD M FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly LLP, 213 E State St, Kennett Square PA 19348, atty.

ROBINSON, Dirk K., a/k/a Dirk Killian Robinson, late of Avondale Borough. I. Christopher Robinson and Johanna Woodward, care of CAROLINA R. HEINLE, Esquire, 724 Yorklyn Rd., Ste. 100, Hockessin, DE 19707, Executors. CAROLINA R. HEINLE, Esquire, MacElree Harvey, LTD., 724 Yorklyn Rd., Ste. 100, Hockessin, DE 19707, atty.

ROBISON, Alice Poe, a/k/a Alice Mae Poe and Alice P. Robison, late of Phoenixville. Arch D. Robison, 1406 Country Lake Dr, Champaign IL 61821, Executor.

SMITH, Jeffrey Daniel, late of East Pikeland. Summer Smith, 431 Lee Avenue Spring City, PA 19475, Administratrix.

SMITH, Penelope L., a/k/a/ Penelope L. Smith Bennett, late of West Caln Township. Dwayne Bennett, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executor. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

WAGNER, Dianne L, late of East Vincent Township. Jason C Wagner, care of JESSICA R. GRATER, Esquire, 740 E High Street, Pottstown, PA 19464, Executor. JESSICA R. GRATER, Esquire, Monas-tra & Grater, LLC, 740 E High Street, Pottstown, PA 19464, atty.

WASKIEWICZ, Stanley Thomas, a/k/a Stanley T Waskiewicz, late of Oxford. Mark S Waskiewicz, P.O. Box 2178, Aston, PA, 19014, Executor.

WHITE, Harold, late of East Coventry. Russell White, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

YATES, Ethel Kay, late of Lincoln University. Dale L. Yates, P.O. Box 180, 312 Lewisville Rd. New London PA 19360, Executor.

NONPROFIT CORPORATION NOTICE

Friends of Rail for West Chester (FOR WC), Inc. has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

Lamb McErlane PC
24 E. Market St.
P.O. Box 565
West Chester, PA 19381

NONPROFIT CORPORATION NOTICE

Friends of Rail for West Chester NOW! (FOR WC NOW!), Inc. has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

Lamb McErlane PC
24 E. Market St.
P.O. Box 565
West Chester, PA 19381

NOTICE

CIVIL ACTION COURT OF COMMON PLEAS CHESTER COUNTY, PA CIVIL ACTION-LAW NO. 2024-03706-RC NOTICE OF ACTION IN MORTGAGE FORECLOSURE CARRINGTON MORTGAGE SERVICES LLC, Plaintiff v. JOE DANIEL BIALK, IN HIS CAPACITY AS HEIR OF GEORGIANNE BIALK; ARTEMIS MOLLY A/K/A MOLLY BLACK, IN HER CAPACITY AS HEIR OF GEORGIANNE BIALK; DIMITRI D. BIALK, IN HIS CAPACITY AS HEIR OF GEORGIANNE BIALK ; ANDREW D. BIALK, IN HIS CAPACITY AS HEIR OF GEORGIANNE BIALK; DANIEL R. BIALK II, IN HIS CAPACITY AS HEIR OF GEORGIANNE BIALK; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS, CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER GEORGIANNE BIALK, Defendants To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS, CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER GEORGIANNE BIALK Defendant(s), 1255 NEW LONDON ROAD LANDENBERG, PA 19350 COMPLAINT IN MORTGAGE FORECLOSURE You are hereby notified that Plaintiff, CARRINGTON MORTGAGE SERVICES LLC, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of

CHESTER County, PA docketed to No. 2024-03706-RC, seeking to foreclose the mortgage secured on your property located, 1255 NEW LONDON ROAD LANDENBERG, PA 19350. NOTICE YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. Chester County Bar Association Lawyer Referral and Information Service 15 West Gay Street West Chester PA, 19380 610-429-1500 Robertson, Anschutz, Schneid, Crane & Partners, PLLC A Florida professional limited liability company ATTORNEYS FOR PLAINTIFF Troy Freedman, Esq. ID No. 85165 133 Gaither Drive, Suite F Mt. Laurel, NJ 08054 855-225-6906

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

Flagstar Bank, N.A.

Plaintiff

vs.

Mario T. Fugita

Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

CHESTER COUNTY

No. 2024 05826 RC

NOTICE

TO: Mario T. Fugita

You are hereby notified that on July 8, 2024, Plaintiff, Flagstar Bank, N.A. filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Chester County Pennsylvania, docket to TERM, No. 2024 05826 RC. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 712 Garden Drive, Kennett Square, PA 19348 whereupon your property would be sold by the Sheriff of Chester County.

You are hereby notified to plead to the above referenced Complaint on or before 20 day from the date of this publication or a Judgment will be entered against you.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. you may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
Chester County Bar Association
15 W. Gay Street, 2nd Floor
West Chester, PA 19380
610-429-1500
610-932-1889

PA 19320 - NOTICE - You have been sued in Court If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THESE PAPERS TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFO. ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. LAWYER REFERRAL SERVICE, Chester County Bar Assn., 15 W. Gay St., West Chester, PA. 19381, 610.429.1500. STEPHEN V. BOTTIGLIERI, Atty. for Plaintiff, TOSCANI, STATHES & ZOELLER, LLC, 400 Berwyn Park, 899 Cassatt Rd., #320, Berwyn, PA 19312, 610.647.4901

NOTICE

Court of Common Pleas - Chester County, PA - Civil Action - Law/Equity - No. 2024-08220-CT - Storage First, Inc., Plaintiff vs. Michael Doe, Defendant - To: Michael Doe, Defendant, whose last known address is 1400 Blackhorse Hill Rd., Bldg. 8, Coatesville,

Sheriff Sale of Real Estate

By virtue of the within mentioned writs directed to Sheriff Kevin D. Dykes, the herein-described real estate will be sold at public on-line auction via Bid4Assets, by accessing URL www.bid4assets.com/chestercopasheriffsales, on **Thursday, February 20th, 2025 at 11AM.**

Notice is given to all parties in interest and claimants that the Sheriff will file with the Prothonotary and in the Sheriff’s Office, both located in the Chester County Justice Center, 201 W Market Street, West Chester, Pennsylvania, Schedules of Distribution on **Monday, March 24th, 2025.** Distribution will be made in accordance with the Schedules unless exceptions are filed in the Sheriff’s Office within ten (10) days thereafter.

N.B. Ten percent (10%) of the purchase money must be paid at the time of the on-line sale. Payment must be made via Bid4Assets. The balance must be paid within twenty-one (21) days from the date of sale via Bid4Assets.

KEVIN D. DYKES, SHERIFF

2nd Publication of 3

SALE NO. 25-2-22

**Writ of Execution No. 2020-08575
DEBT \$1,553.89**

ALL THAT CERTAIN LOT OR TRACT OF LAND SITUATED IN THE 5TH WARD of the CITY of COATESVILLE, CHESTER COUNTY PENNSYLVANIA.

Tax Parcel # 16-2-152

PLAINTIFF: Coatesville Area School District

VS

DEFENDANT: **554 Family Trust**

SALE ADDRESS: 554 Coates Street, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **PORTNOFF LAWASSOCIATES, LTD. 484-690-9300**

SALE NO. 25-2-25

**Writ of Execution No. 2023-06678
DEBT \$5,684.30**

ALL THOSE TWO CERTAIN tracts of ground more particularly bounded and described as follows:

TRACT NO. 1 ALL THAT CERTAIN tract of land situated in West Caln Township, Chester County, Pennsylvania, bounded and described according to a new survey made by J. W. Harry, C. E., November 28, 1950.

TRACT NO. 2 ALL THAT CERTAIN lot or piece of ground, situate in the Township of West Caln, Chester County, Pennsylvania, bounded and described according to, a new survey made by J. W. Harry, C. E., September 3, 1954.

Tax Parcel # 28-5-123

PLAINTIFF: Coatesville Area School District

VS

DEFENDANT: **Robert C. Wallace**

SALE ADDRESS: 221 Creamery Road, West Caln Township, PA 19320

PLAINTIFF ATTORNEY: **PORTNOFF LAWASSOCIATES, LTD. 484-690-9300**

SALE NO. 25-2-28

**Writ of Execution No. 2024-02412
DEBT \$396,869.13**

ALL THAT CERTAIN tract or parcel of ground, with the buildings and improvements thereon erected, hereditaments and appurtenances, Situate in the Township of West Pikeland, County of Chester and State of Pennsylvania, bonded and described according to a Survey of Property

made for Sun Oil Company, made by Henry H. Hopkins, Jr., R.S., Kimberton, Pa., dated February 6, 1968 and revised February 13, 1968, as follows, to wit:

BEGINNING at a point on the Southeast-erly side of Pa. Route# 113 (LR 270-5) (sixty feet wide) which point is measured the two following courses and distances from a point of curve on the Northeast-erly side of Conestoga Pike (L.R.15139) (Various widths) (as shown on said Plan): 1) extending from said point of curve on a line curving to the right having a radius of one hundred forty-eight feet the arc distance of one hundred forty-two and sixteen onehundredths feet to an iron pin marking a point of compound curve: and 2) on a line curving to the right having a radius of one thousand four hundred two and sixtynine one-hundredths feet the arc distance of one hundred eighty-eight and ten one-hundredths feet to the point and place of beginning; thence extending from said beginning point, along the South-easterly side of Pa. Route # 113, on a line curving to the right having a radius of One thousand four hundred two and sixtynine one-hundredths feet the arc distance of Four hundred twentytwo and fifty-three onehundredths feet to an iron pin, a corner of land now or late of Thomas H. Hall; thence extending along the same and along lands now or late of Everett C. McNear and Paul Charles Draper, North Eighty-two degrees, five minutes, thirty seconds East, five hundred forty-eight and seventeen one-hundredths feet to a P.K. nail in the fence post in line of land now or late of J.E. Rittenbaugh; thence extending along the same South seven degrees, thirty-eight minutes, fifty seconds East, Four hundred thirty-eight and fifty-eight one-hundredths feet to an iron pin, a corner of land now or late of Robert Billingham; thence extending along the same and partly along land now or late of George W. Griseman, South Eighty degrees, twenty-three minutes, fifty seconds West, Three hundred fourteen

and one one-hundredths feet to an iron pin; thence extending still along land now or late of George W. Griseman, the following courses and distances: 1) South ten degrees, twenty-seven minutes, fifty seconds West, Seventy-five and eighty-four one-hundredths feet to an iron pin; and 2) South Seventy-nine degrees, fifty minutes, forty-five seconds West, Three hundred three and eighty-six one-hundredths feet to an iron pin; thence extending North Forty-five degrees, thirty-three minutes, fifty-three seconds West, Two hundred thirty-two and forty-five one-hundredths feet to the first mentioned point and place of beginning.

Being Parcel Nos. 1 & 2 as shown on said Plan.

BEING the same premises which George C. Morelli, Executor under the will of Loretta M. Cimeo, a/k/a Loretta Morelli Cimeo, deceased, by deed dated September 26, 2003 and recorded October 14, 2003 at Doc. ID 10319508, Book 5937, Page 815 in the Office of the Recorder of Deeds of Chester County, PA, granted and conveyed unto Christopher C.J. Wurts, in fee.

Tax Parcel # 34-04-0067.020

PLAINTIFF: Bank of America, N.A.

VS

DEFENDANT: **Christopher C. J. Wurts and United States of America**

SALE ADDRESS: 912 Kimberton Road a/k/a 912 Chester Springs Road, Chester Springs, PA 19425

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-30

Writ of Execution No. 2023-06987

DEBT \$50,329.50

ALL THAT CERTAIN lot of land situate in the Township of West Whiteland, Coun-

ty of Chester, and State of Pennsylvania, bounded and described according to a map made for Exton Woods Partnership by Yerkes, Inc. dated August 27, 1976 and last revised January 12, 1977 as follows to wit:

BEGINNING at a point, a corner of Unit #32-G on said plan, which point is measured the three (3) following courses and distances from a point at the intersection of Flintshire Terrace, and Belvidere Circle; (1) Along and in the bed of Belvidere Circle, North 24 degrees 50 minutes 14 seconds West 219.97 feet to a point; (2) crossing the Northwesterly side of Belvidere Circle, North 47 degrees 43 minutes 42 seconds West 83.29 feet to a point; the Southeast corner of Building Group "G"; and (3) along the Southerly side of same South 68 degrees 21 minutes 50 seconds West 103.32 feet to the beginning print; thence along Unit #320- G North 21 degrees 38 minutes 10 seconds West 110.00 feet to a point in line of lands of Hannah Rosing; thence along the same North 68 degrees 21 minutes 50 seconds East 20.00 feet to a point, a corner of Unit #34-G; thence along the same South 21 degrees 38 minutes 10 seconds East 110.99 feet to a point on the Southerly side of Building Group "G" aforesaid; thence along the same South 68 degrees 21 minutes 50 seconds West 20.00 feet to the beginning point.

CONTAINING 22 Square Feet More or Less

BEING THE SAME PREMISES AS Jill A. Bullock, by Deed dated December 21, 1999, and recorded on December 30,1999, by the Chester County Recorder of Deeds as Instrument No. 0104337, granted and conveyed unto Frank Knowles.

Tax Parcel # 41-5P-19

PLAINTIFF: Wilmington Savings Fund Society, FSB, as Owner Trustee of the Residential Credit Opportunities Trust VIII-C

VS

DEFENDANT: **Frank Knowles**

SALE ADDRESS: 133 Denbigh Terrace, West Chester, PA 19380

PLAINTIFF ATTORNEY: **HILL WALLACK LLP 215-579-7700**

SALE NO. 25-2-31
Writ of Execution No. 2024-03720
DEBT \$271,585.24

All that certain unit in the property known, named and identified in the Declaration of Covenants, Easements and Restrictions for Green Street Mews, located in Downingtown Borough, Chester County, Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Planned Community Act, by the recording in the County of Chester Department of Records of a Declaration dated August 27m, 2007, and recorded in Record Book 7250 page 1994, being and designated as Unit No. 26, together with a proportionate undivided interest in the common elements (as defined in such declaration).

BEING known as Unit No. 26, Green Street Mews.

BEING THE SAME PREMISES AS Green Street Mews, LLC, by Deed dated December 4, 2007, and recorded on December 6, 2007, by the Chester County Recorder of Deeds in Deed Book 7321, at Page 1544, granted and conveyed unto Robert M. Lilley, III.

Tax Parcel # 11-8-239.26

PLAINTIFF: Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Owner Trustee of MFA 2022-RPL1 Trust

VS

DEFENDANT: **Robert M. Lilley, III**

SALE ADDRESS: 326 Jefferson Avenue,
Downingtown, PA 19335

PLAINTIFF ATTORNEY: **HILL WAL-
LACK LLP 215-579-7700**

SALE ADDRESS: 25 Dutton Farms Lane,
West Grove, PA 19390

PLAINTIFF ATTORNEY: **FRIEDMAN
VARTOLO LLP 212-471-5100**

SALE NO. 25-2-32

Writ of Execution No. 2024-06607

DEBT \$318,646.09

SALE NO. 25-2-36

Writ of Execution No. 2024-02501

DEBT \$24,560.27

Property situate in the WEST BRANDY-
WINE AND WALLACE TOWNSHIP,
CHESTER County, Pennsylvania, being

Tax Parcel # 31-03-0076.020

IMPROVEMENTS thereon: a residential
dwelling

PLAINTIFF: Wells Fargo Bank, Na-
tional Association as Trustee for Option
One Mortgage Loan Trust 2007-3, Asset-
Backed Certificates, Series 2007-3

VS

DEFENDANT: **Ronald E. Parker a/k/a
Ronad E. Parker & Andrea Parker**

SALE ADDRESS: 1250 North Manor
Road, Honey Brook, PA 19344

PLAINTIFF ATTORNEY: **BROCK &
SCOTT, PLLC 844-856-6646**

SALE NO. 25-2-33

Writ of Execution No. 2024-03535

DEBT \$290,803.55

Property to be sold is situated in the bor-
ough/township of Penn, County of Chester
and Commonwealth of Pennsylvania.

Tax Parcel # 58-4-93.2B

PLAINTIFF: US Bank Trust National As-
sociation, Not In Its Individual Capacity
But Solely As Owner Trustee For VRMTG
Asset Trust

VS

DEFENDANT: **Constance L. Lapham**

ALL THAT CERTAIN unit in the property
known, named and identified in the Decla-
ration Plan referenced to below as AR-
BORDEAU located on Berwyn-Baptist
Road, Devon, Tredyffrin Township, Ches-
ter County, Pennsylvania, which has here-
tofore been submitted to the provisions of
the Unit Property Act of Pennsylvania, Act
of July 3, 1963, P. L. 196, by the recording
in the Office of the Recorder of Deeds in
and for Chester County, Pennsylvania, of
a Declaration dated August 9, 1974 and
recorded August 23, 1974, in Deed Book
245 page 1, a Declaration Plan dated Au-
gust 9, 1974 and recorded on August 23,
1974 in Plan Book 60 page 02 and a Code
of Regulations dated August 9, 1974 and
recorded August 23, 1974 in Deed Book
245 page 39, being and designated on such
Declaration Plan as UNIT AVIGNON 8,
as more fully described in such Declara-
tion Plan and Declaration, together with
a proportionate undivided interest in the
Common Elements (as defined in such
Declaration) of .92698% (the "Proportion-
ate Interest").

BEING THE SAME PREMISES WHICH
WILLIAM F. DRAKE, JR. BY DEED
DATED AUGUST 1, 1996 AND RE-
CORDED AUGUST 21, 1996 IN THE
OFFICE FOR THE RECORDING OF
DEEDS, IN AND FOR THE COUNTY
OF CHESTER, COM M ONWEALTH
OF PENNSYLVANIA IN DEED BOOK
4073 PAGE 0579, GRANTED AND
CONVEYED UNTO CAROL M FAR-
RELL, IN FEE.

Tax Parcel # 43-10D-84

PLAINTIFF: Arbordeau, A Collectivity of Unit Owners

VS

DEFENDANT: **Presumed and Unknown Heirs, and all Persons or Entities Claiming Right, Title or Interest by or Through Carol M. Farrell, Deceased**

SALE ADDRESS: 8 Avignon, Devon,PA 19333

PLAINTIFF ATTORNEY: **GAWTHROP GREENWOOD, PC 610-889-0700**

SALE NO. 25-2-37

Writ of Execution No. 2024-02385

DEBT \$54,861.13

Property situate in the WEST CALN TOWNSHIP, CHESTER County, Pennsylvania, being

Tax Parcel # 2801 01030000

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: Wells Fargo Bank, N.A.

VS

DEFENDANT: **BART R. GARVER**

SALE ADDRESS: 117 Lilly Road, Honey Brook, PA 19344

PLAINTIFF ATTORNEY: **BROCK & SCOTT, PLLC 844-856-6646**

SALE NO. 25-2-38

Writ of Execution No. 2024-01779

DEBT \$340,045.35

Property situate in the TOWNSHIP OF NEW LONDON, CHESTER County, Pennsylvania, being

BLR # 71-02-0060.070 aka 71-2-60.7

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: TRUIST BANK, F/K/A BRANCH BANKING AND TRUST COMPANY

VS

DEFENDANT: **KIMBERLY A. MANO-CCHIO**

SALE ADDRESS: 7 Shady Lane, Lincoln University, PA 19352

PLAINTIFF ATTORNEY: **BROCK & SCOTT, PLLC 844-856-6646**

SALE NO. 25-2-39

Writ of Execution No. 2024-02417

DEBT \$510,659.16

ALL THAT CERTAIN lot or piece of ground situate in Township of West Whiteland, County of Chester and Commonwealth of Pennsylvania.

Tax Parcel # 41-8E-74

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: Selene Finance, LP

VS

DEFENDANT: **BROCK BUTLER**

SALE ADDRESS: 1263 Palomino Drive, West Chester, PA 19380

PLAINTIFF ATTORNEY: **POWERS KIRN, LLC 215-942-2090**

SALE NO. 25-2-40

Writ of Execution No. 2016-10019

DEBT \$425,627.83

ALL THAT CERTAIN lot or piece of ground, SITUATE in the Township of West Caln, County of Chester and Commonwealth of Pennsylvania, bounded and described according to a Final Title Plan of "Ponds View," prepared by D.L. Howell and Associates, Inc., dated 5/20/2003, last revised 3/30/2004 and recorded in Chester

County as Plan #17245 as follows, to wit:
 BEGINNING at a point on the southerly side of Janet Lane, a corner of Lot #3 as shown on said plan; thence from said point of beginning, along the said side of Janet Lane the following two courses and distances: (1) on the arc of a circle curving to the left having a radius of 410.00 feet the arc distance of 111.29 feet to a point of tangent (2) South 83 degrees 34 minutes 57 seconds East 5.15 feet to a corner of Lot #1; thence along Lot #1 the following two courses and distances: (1) South 26 degrees 37 minutes 27 seconds West 96.87 feet (2) South 03 degrees 48 minutes 02 seconds West 201.96 feet to a point on the northerly side of Airport Road (T-409); thence along the said side of Airport Road North 86 degrees 24 minutes 00 seconds West 150.00 feet to a corner of Lot #3; thence along Lot #3 the following two courses and distances: (1) North 03 degrees 48 minutes 02 seconds East 202.48 feet (2) North 37 degrees 35 minutes 31 seconds East 131.80 feet to the first mentioned point and place of beginning.

Being Lot #2 as shown on said plan.

Being the same premises conveyed from Pond's View, LLC to Kevin McCoy Hunt and Lynette M. Hunt by Deed dated February 14, 2006 and recorded on February 27, 2006 in the Chester County Recorder of Deeds Office at Book 6774, Page 601 and Instrument #10627282.

UPI # 28-8-23.19

PLAINTIFF: Wilmington Savings Fund Society, FSB, as Owner Trustee of the Residential Credit Opportunities Trust VI-A

VS

DEFENDANT: **Kevin McCoy Hunt and Lynette M. Hunt**

SALE ADDRESS: 102 Janet Lane, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-41

Writ of Execution No. 2020-09495

DEBT \$209,415.14

PROPERTY SITUATE IN VALLEY TOWNSHIP

Tax Parcel # 38-02Q-0009.060

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, FOR CONSECO FINANCE HOME EQUITY LOAN TRUST 2002-A

VS

DEFENDANT: **ALLEN T. SMITH**

SALE ADDRESS: 919 North Walnut Street, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 25-2-42

Writ of Execution No. 2003-04081

DEBT \$267,586.06

PROPERTY SITUATE IN TOWNSHIP OF WILLISTOWN

Tax Parcel # 54-1P-299

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: U.S. BANK NA, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NA, AS TRUSTEE, AS SUCCESSOR BY MERGER TO LASALLE BANK NA AS TRUSTEE FOR BEARN STEARNS ASSET BACKED SECURITIES TRUST, 2001-3, ASSET BACKED CERTIFICATES SERIES 2001-3

VS

DEFENDANT: **PATRICIA M. HALSEY**
SALE ADDRESS: 3 Bryan Avenue, Malvern, PA 19355
PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 25-2-43
Writ of Execution No. 2021-08101
DEBT \$322,688.06

ALL THAT CERTAIN lot of land SITUATE in the Township of East Nottingham, County of Chester, Commonwealth of Pennsylvania, bounded and described according to a Final Plan made for C. Edward Lawrie by N.M. Lake and Associates, Inc., dated July 1, 1987, last revised April 5, 1988 and recorded to Chester County Recorder of Deeds Office, as Plan No. 8207, as follows, to wit:

BEGINNING at a point in the bed of Fifth Street Road (LR 15010) a corner of Lot 2 on said plan; thence extending from the beginning point through the bed of said road, South 7 degrees 47 minutes 53 seconds East, 85.52 feet; thence extending along same South 9 degrees 10 minutes 6 seconds East, 69.62 feet to a point in the bed of a common driveway easement, a corner of Lot 4 on said plan; leaving the bed of said road and extending through said easement and along said Lot 4 South 77 degrees 27 minutes 29 seconds West 321.55 feet to a point in line of remaining along the lands of C. Edward Lawrie; thence extending along said lands North 9 degrees 10 minutes 00 seconds West 155 feet to a corner of aforementioned Lot 2; thence extending along Lot 2 North 77 degrees 27 minutes 29 seconds East 323.60 feet to the first mentioned point of beginning.

BEING Lot 3 on said plan.

CONTAINING 1.144 acres of land more or less.

BEING THE SAME PREMISES which

Nicholas C. Carbonetta a/k/a Nicholas G. Carbonetta and Barbara C. Carbonetta a/k/a Barbara M. Carbonetta, Husband and Wife and Nicholas R. Carbonetta, son, by deed dated February 21, 2001 and recorded in the Office of the Recorder of Deeds in the County of Chester, Pennsylvania as instrument number 0010605 granted and conveyed unto Nicholas G. Carbonetta and Barbara M. Carbonetta, in fee.

AND THE SAID Barbara M. Carbonetta departed this life on or about September 08, 2003 thereby vesting title unto Nicholas G. Carbonetta by operation of law.

Tax Parcel # 69-6-67.5

PLAINTIFF: Reverse Mortgage Funding LLC

VS

DEFENDANT: **Nicholas R. Carbonetta, Known Heir of Nicholas G. Carbonetta, deceased; Joseph J. Carbonetta, Known Heir of Nicholas G. Carbonetta, deceased; Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Nicholas G. Carbonetta, deceased; and Dawn M. Patterson, known heir of Nicholas G. Carbonetta, deceased**

SALE ADDRESS: 604 5th Street, Oxford, PA 19363

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-44
Writ of Execution No. 2019-05086
DEBT \$391,105.14

ALL THAT CERTAIN lot or piece of ground, being known as LOT NO. 17, situate in the TOWNSHIP OF EAST NOTTINGHAM, County of Chester and Commonwealth of Pennsylvania, bounded and described according to a Final Plan of

“Hopewell Ridge” prepared by Lake Roeder Hillard & Associates and Ranck Lake Roeder Hillard & Associates, dated 9-10-2003, last revised 11-28-2005 and recorded as Plan No. 17688, as follows, to wit:

BEGINNING at a point on the South-easterly side of Buttercup Drive (50 feet wide), a corner of Lot No. 15 on said Plan; thence from said beginning point, leaving Buttercup Drive and extending along Lot 15 South 40 degrees 08 minutes 04 seconds East 198.71 feet to a point, a corner of Lot 18 on said Plan; thence extending along Lot 18 the two following courses and distances, viz.: 1) South 76 degrees 55 minutes 31 seconds West 123.74 feet to a point, thence 2) South 58 degrees 31 minutes 54 seconds West 255.84 feet to a point on the Northeasterly side of Forge Road (SR 3001); thence extending along Forge Road the three following courses and distances, viz.: 1) North 16 degrees 51 minutes 39 seconds West 128.37 feet to a point, thence 2) North 16 degrees 17 minutes 54 seconds West 36.16 feet to a point of curve, thence 3) on the arc of a circle curving to the right having a radius of 30.00 feet the arc distance of 47.12 feet (and a chord bearing of North 28 degrees 42 minutes 06 seconds East 42.43 feet) to a point of tangent on the Southeasterly side of Buttercup Drive aforesaid; thence extending along Buttercup Drive the two following courses and distances, viz.: 1) North 73 degrees 42 minutes 06 seconds East 38.46 feet to a point of curve, thence 2) on the arc of a circle curving to the left having a radius of 550.00 feet the arc distance of 229.58 feet (and a chord bearing of North 61 degrees 44 minutes 37 seconds East 227.91 feet) to the first mentioned point and place of BEGINNING.

BEING THE SAME PREMISES which Willow Creek, LLC, by Deed dated October 17, 2011 and recorded October 20, 2011 in the Office of the Recorder of Deeds in and for the County of Chester,

Pennsylvania in Book 8271, Page 44, as Instrument Number 1130618, granted and conveyed unto William B. Carey III and Matthew J. Fischer, adult individuals, in fee.

Tax Parcel # 6905 00151600

PLAINTIFF: Wilmington Savings Fund Society, FSB, as trustee of Quercus Mortgage Investment Trust

VS

DEFENDANT: **Matthew J. Fischer and William B. Carey, III**

SALE ADDRESS: 141 Granite Drive, Oxford, PA 19363

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-45

Writ of Execution No. 2020-00030

DEBT \$269,576.64

All that certain parcel of land being Lot Number 9 of Monclare Development and laid out by Clarence H. Kemery and Monroe J. Green situate in the Township of West Bradford, County of Chester, and State of Pennsylvania, which according to a survey made by J. Vernon Keech, Registered Surveyor, is bounded and described as follows, to wit:

Beginning at a spike in the middle of State Road, Route #15073 a corner of Lots Numbered 8 and 9, said spike being three hundred forty-five feet measured north eighty-seven degrees fifty-one minutes east from the intersection of the middle of State Road Route #15073, and the middle of another public road leading from Caln to Romensville; thence extending by State Road aforesaid north eighty-seven degrees fifty-one minutes east one hundred and twenty-five feet to a spike corner of Lot No. 10; thence leaving the road and extending by Lot No. 10 and passing over

an iron pin set on the south side of the road south two degrees and nine minutes east two hundred eighteen and sixty-six hundredths feet to an iron pin; thence extending by property belonging to I. Willard Gray, south eighty-seven degrees and fifty-one minutes west one hundred and twenty-five feet to an iron pin a corner of Lot No. 8; thence extending by Lot No; 8, and passing over an iron pin set on the south side of the state road aforesaid north two degrees nine minutes west two hundred eighteen and sixty-six hundredths feet to the first mentioned spike and place of beginning.

CONTAINING twenty-seven thousand three hundred thirty-two square feet of land be the same more or less.

Being the same premises which Thomas C. McClain and Mary Lou McClain, his wife and Lewis R. Kish, Jr., by Deed dated 3/1/1977 and recorded 3/3/1977 in the Office for the Recorder of Deeds in and for the County of Chester, Pennsylvania in Book 050 Page 302 granted and conveyed unto Karl T. Ziegler and Linda L. Ziegler, his wife, in fee. AND THE SAID Karl T. Ziegler passed away on or about November 13, 2002, thereby vesting title of the premises unto Linda L. Ziegler, by operation of law.

UPI # 50-1-64.4

PLAINTIFF: U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST

VS

DEFENDANT: **Linda Ziegler; Julia Ziegler, known heir of Linda Ziegler, deceased; Theresa Petrohoy, known heir of Linda Zeigler, deceased; Karl Ziegler, known heir of Linda Ziegler, deceased; and Unknown heirs, Successors, Assigns and all Persons Firms or Associations Claiming right, title or interest under**

Linda Zeigler, Deceased

SALE ADDRESS: 2720 West Chester Road, Downingtown, PA 19355

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-46

Writ of Execution No. 2016-10547

DEBT \$400,007.18

ALL THAT CERTAIN tract of land, with the building and improvements thereon erected, SITUATE in the Borough of Spring city, Chester County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin, 198 and 1/2 feet from the center line of Bridge Street, on the West side of a 32 feet wide street; THENCE along said West side of Street (known as Glass Avenue) South 11 degrees, 40 minutes West, 194 feet to an iron pin near the edge of Yost Creek; THENCE along said Creek North 87 degrees, 20 minutes West, 388 feet to a line of land of Francis Latschar; THENCE along said land, North 1 degree, 15 minutes East, 259 feet to a stake on the South side of a 20 feet wide alley; THENCE along the South side of said alley, South 78 degrees, 20 minutes East, 430 feet to the place of beginning.

CONTAINING two and one-fifth acres of land, more or less.

AND ALSO ALL THAT CERTAIN tract of land with the buildings and improvements thereon, SITUATE in the Borough of Spring City, County of Chester and State of Pennsylvania bounded and described as follows:

BEGINNING at a stake in the Southern margin of a 20 feet wide alley, 201.8 feet, South of a limestone in the center line of Bridge Street, as extending from the Borough of Spring City; THENCE along a line of land, formerly of Wm. P. Snyder, now the Southern margin of said alley,

South 1 degree, 15 minutes West, 291 feet to a stake, a corner of lands formerly of Dr. F.W. Heckel, now the Estate of Arthur Preimuth; THENCE along the same, South 81 degrees, 15 minutes West, 173 feet to a stake; THENCE by other lands of formerly Francis Latschar, now Estate of Albert F. Winner, North 11 degrees, 40 minutes East, 346 feet to a stake and THENCE South 78 degrees, 20 minutes East, 108 feet to the place of beginning.

CONTAINING one acre of land, more or less.

BEING diminished however by one 110 square perches of land (about 3/4 of an acre) more or less, by Indenture of Albert F. Winner, et ux, dated MEW 10, 1937 and recorded in the Office for the Recording of Deeds, in and for the County of Chester at West Chester, Pa. in Deed Book M 17. Vol. 409 page 136, wherein an whereby the said Albert F. Winner, et ux., did grant and convey unto Arthur K. Freimuth, then of Royersford, Pa. the herein mentioned diminution, as by reference thereto, with more fully and at large appear. THE said premises being further diminished by a rectangular tract of ground 100 feet by 40 feet forming the Northeastern portion of the first above described tract of ground as more fully described in Deed dated Sept. 12, 1938 and recorded in Chester County in Deed Book X 19 page 530, by which Joseph Powers granted and conveyed the same unto Blair Knerr, in fee.

BEING THE SAME PREMISES which Paul W. Branca and Eva Jane Branca, his wife, by Deed dated 5/3/82 and recorded 5/5/82 in the Office of the Recorder of Deeds in and for the County of Chester, in Deed Book W59, Page 450, granted and conveyed unto John Gertenitch and Eva Jane Gertenitch, his wife, in fee. AND THE SAID John Gertenitch passed away on or about January 2, 2013, thereby vesting title in the premises unto Eva Jane Gertenitch as surviving spouse.

Tax Parcel # 14-3-6 & 14-3-7

PLAINTIFF: The Bank of New York Mellon, f/k/a The Bank of New York as Successor in Interest to JP Morgan Chase Bank, NA f/k/a The Chase Manhattan Bank as Trustee for Asset Backed Securities Corporation Equity Loan Trust 1999-LB1

VS

DEFENDANT: **Eva Jane Gertenitch**

SALE ADDRESS: 448 Plum Alley & 470 Plum Alley f/k/a

Glass & Plum Street, Spring City, PA 19475

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-47
Writ of Execution No. 2023-05285
DEBT \$253,853.08

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Hereditaments and Appurtenances, SITUATE in the West Caln Township, Chester County, Pennsylvania bounded and described according to a subdivision of land for Stephen Cushman, made by Berger and Hayes, Inc., Consulting Engineers, Thorndale, PA dated 10/27/76, recorded 6/2/77 in Plan File #1069 as follows, to wit:

BEGINNING at an interior point on the Southeasterly side of a 50 feet wide easement for Lots 1, 2, and 3 said point measured North 56 degrees 51 minutes East, 378.77 feet from a point of intersection of same with the Easterly side of Sandy Hill Road (T-364)(as shown on said Plan); thence extending from said beginning point along the Southeasterly side of said 50 feet wide easement North 56 degrees 51 minutes East, 227.84 feet to a point; thence extending South 34 degrees

5 minutes 5 seconds East, 237.81 feet to a point in line of lands now or late of Evelyn Douglas; thence extending along the same South 55 degrees 54 minutes West 227.81 feet to a point; thence extending North 34 degrees 5 minutes 5 seconds West, 241.53 feet to the first mentioned point and place of beginning.

TOGETHER with the free and common use, right, liberty and privilege of the 50 feet wide easement being a part of Lot No. 1 on said plan leading Southeasterly from Sandy Hill Road, as for a right of way, passageway and watercourse at all times hereafter, forever, in common with the owners, tenants and occupiers of the other parcels of ground bounding thereon and having the use thereof.

SUBJECT, however, to the proportionate part of the expense of keeping said 50 feet wide easement in good order, condition and repair at all times hereafter, forever.

BEING the same premises which Scott A. Foulke and Denise K. Foulke, by deed dated June 28, 2002 and recorded July 8, 2002 at Inst. No. 10102411, Book 5323, Page 1275 in the Office of the Recorder of Deeds of Chester County, PA, granted and conveyed unto Michael W. Swarner, in fee.

Tax Parcel # 28-5-63.3

PLAINTIFF: Nationstar Mortgage LLC

VS

DEFENDANT: **Michael W. Swarner**

SALE ADDRESS: 102 Mellot Lane,
Coatesville, PA 19320

PLAINTIFF ATTORNEY: **LOGS LEGAL GROUP LLP 610-278-6800**

SALE NO. 25-2-49

Writ of Execution No. 2023-10027

DEBT \$247,806.50

ALL THAT CERTAIN tract of land as designated on a Plan of Lots known as

“McGargee Heights” duly recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania, in Plan Book No. 1, Page 76, situate in the Township of Caln, County of Chester and State of Pennsylvania, bounded and described according to a new survey thereof made by J. W. Harry, C. E., dated April 21, 1950 as follows:

BEGINNING at a stake in the South curb line of Oak Street, as shown on the original Plan of “Megargee Heights” and distant two hundred (200) feet, measured Eastwardly from the point of intersection of the said South curb line of Oak Street with the East curb line of Fourteenth Avenue, a corner of land of William M. Ford, Jr. and Ida E. Ford, his wife; thence from said point or place of beginning along the said south curb line of Oak Street, North eightyfive degrees three minutes thirty seconds East (N. 85° 3' 30" E.) one hundred (100) feet to a stake, a corner of remaining land of the grantor herein, about being conveyed to Antoinette Rothberg; thence along said remaining land of the grantor herein, South four degrees fifty six minutes thirty seconds East (S. 4° 56' 30" E.) one hundred sixty eight (168) feet to a stake in the North line of Spruce thence along said North line of Spruce Street, south eighty five degrees three minutes thirty seconds West (S. 85° 3' 30" W.) one hundred (100) feet to a stake, another corner of land of William M. Ford, Jr. and Ida E. Ford, his wife; thence along the same, North four degrees fifty six minutes thirty seconds West (N. 4° 56' 30" W.) one hundred sixty eight (168) feet to a stake in the South curb line of Oak Street, the point and place of beginning.

BEING the same premises which Mary Lou Knight and Judy Hall, also known as Judith A. Hall CoExecutrixes of the estate of Mary T. Kish, Deceased and Mary Lou Knight, individually and Judith A. Hall, Individually by Deed dated June 8, 2007 and recorded in the Office of Recorder of Deeds of Chester County on June 19,

2007 at Book 7190, Page 1050 Instrument#10763923 granted and conveyed unto Judith A. Hall .

Tax Parcel # 39-3Q-88

PLAINTIFF: PHH Mortgage Corporation
VS

DEFENDANT: **Judith A. Hall**

SALE ADDRESS: 1408 Oak Street,
Coatesville A/K/A Caln Township, PA
19320

PLAINTIFF ATTORNEY: **STERN &
EISENBERG, PC 215-572-8111**

SALE NO. 25-2-50

Writ of Execution No. 2021-08777

DEBT \$248,965.21

Property to be sold is situated in the Township of Valley, County of Chester and State of Pennsylvania.

Tax Parcel # 3802 01770000

PLAINTIFF: U.S Bank National Trust Association, as Trustee of the Chalet Series IV Trust

VS

DEFENDANT: **Carmen G. Figueroa**

SALE ADDRESS: 1051 Front Street,
Coatesville, PA 19320

PLAINTIFF ATTORNEY: **FRIEDMAN
VARTOLO LLP 212-471-5100**